

From: [Kohles, Mitchell](#)
To: [Michael Lorigas](#); [Schwartz, David Z.](#); [Rasheed Nader](#); [Lenox, Brad](#); [Nallira, Kaleinani](#); ["Roberto Camara Fuertes"](#); ["Jaime Torrens Dávila"](#); ["Monica Ramos Benitez"](#); [Carla S. Loubriel Carrión](#); ["Ricardo Casellas"](#)
Cc: ["antonio.roig@oneillborges.com"](#); ["ubaldo.fernandez@oneillborges.com"](#); ["anibal.roman@oneillborges.com"](#); [Kessler, Thomas](#); [Team-FRB-Benworth-Associates-CGSHOnly](#)
Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C
Date: Tuesday, April 22, 2025 10:48:24 AM
Attachments: [Meet Confer 42425 -- BenworthFederal Reserve.msg](#)
[image001.png](#)
[image002.png](#)

Thank you, Mike. We can discuss Quickbooks and other discovery matters this Thursday at 2:30pm (see invite re-attached).

Best,
Mitchell

Mitchell Kohles

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From: Michael Lorigas <mlorigas@kttlaw.com>
Sent: Tuesday, April 22, 2025 9:30 AM
To: Schwartz, David Z. <dschwartz@cgsh.com>; Kohles, Mitchell <mkohles@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>
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Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

This Message Is From an External Sender

Attention: This message originated from an external email domain.

David/Mitchell,

Defendants elected the supervised access option because they are not comfortable with the Reserve Bank having unfettered access to the Quickbooks database. As reflected in the answers and affirmative defenses filed last week, it is Defendants' position that the Reserve Bank is not maintaining this action in good faith and may have an improper motive in

pursuing only Benworth FL, considering the fact that Benworth FL has paid close to 99% of the PPP funds advanced by the Reserve Bank while other PPP lenders owe the Reserve Bank significantly more money, including one PPP lender who distributed hundreds of millions of dollars directly to its owners in 2021 alone. Thus, Defendants require that a representative supervise the Reserve Bank's access to the Quickbooks database to ensure no improper actions are taken with respect to the data.

MICHAEL R. LORIGAS, ESQ.



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From: Michael Lorigas

Sent: Monday, April 21, 2025 8:22 PM

To: 'Schwartz, David Z.' <dschwartz@cgsh.com>; Kohles, Mitchell <mkohles@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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All,

Below is the link and password for Defendants' production Volume 8. Let us know of any issues accessing the documents. I'll follow up tomorrow morning with the basis for our clients' decision on supervised access to the Quickbooks database.

 [Defendants VOL008.zip](#)

Password: wij!2pD;9C<G95/

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From: Schwartz, David Z. <dschwartz@cgsh.com>

Sent: Friday, April 18, 2025 9:41 AM

To: Kohles, Mitchell <mkohles@cgsh.com>; Michael Lorigas <mlorigas@kttlaw.com>; Rasheed Nader <rnader@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

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Mike –

Following up on Mitchell's question below regarding the QuickBooks mode of compliance. Please provide the basis for your decision to only provide supervised access to the database (as opposed to exporting).

Best,
David

David Z. Schwartz

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From: Kohles, Mitchell <mkohles@cgsh.com>

Sent: Wednesday, April 16, 2025 4:48 PM

To: Michael Lorigas <mlorigas@kttlaw.com>; Rasheed Nader <rnader@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Mike,

We would prefer to meet earlier next week if possible, so please let us know as soon as any availability opens on your team's calendar. For now, we will send a calendar invite for Thursday, 4/24, at 2:30pm. Given the number and importance of outstanding issues, we expect Defendants will not reschedule. Regarding your April 9 email about the QuickBooks mode of compliance, because we had hoped to discuss this issue sooner, please provide the basis for your decision to only provide supervised access to the database (as opposed to exporting) by end of day tomorrow, 4/17.

Best,
Mitchell

Mitchell Kohles

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From: Michael Lorigas <mlorigas@kttlaw.com>

Sent: Wednesday, April 16, 2025 3:02 PM

To: Kohles, Mitchell <mkohles@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Mitchell,

Regarding the meet and confer, our team has a lot of scheduling conflicts next week. The soonest we'll be available is after 2:30pm next Thursday, 4/24.

MICHAEL R. LORIGAS, ESQ.



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From: Michael Lorigas

Sent: Tuesday, April 15, 2025 8:46 PM

To: 'Kohles, Mitchell' <mkohles@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Mitchell,

We'll get back to you tomorrow regarding our availability for a meet and confer.

Confirmed that Defendants' other productions have been family-complete.

Below are the link and password to the first Navarro Entity production. Let us know if you have any issues accessing the production.

 [DEFENDANTS VOL007.rar](#)

Password: [Fb3Lf7W*@/!7.}Z~](#)

MICHAEL R. LORIGAS, ESQ.



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From: Kohles, Mitchell <mkohles@cgsh.com>

Sent: Tuesday, April 15, 2025 8:30 PM

To: Rasheed Nader <rnader@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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'anibal.roman@oneillborges.com' <anibal.roman@oneillborges.com>; Kessler, Thomas <tkessler@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>

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Mike, Rasheed,

We write to follow up on several outstanding discovery issues, outlined below.

1. **Meet-and-Confer.** We propose a meet-and-confer to discuss issues including the Quickbooks production, Defendants' accountant-client privilege assertions, and the parties' remaining ESI productions. Please let us know if Defendants are available at any of the times below.
 - a. Monday April 21: 9:00am-12:00pm, 1:00-3:30pm
2. **Mobile Data.** Given Defendants' April 4 representation regarding the Navarros' use of mobile data, we asked Defendants to:
 - a. Please clarify whether the representation applies to all mobile devices used by the Navarros during the relevant period (as identified in the Reserve Bank's requests), including any personal devices.
 - b. Please confirm that Defendants are reviewing and will produce responsive mobile data from the Navarros' phones, including communications between the Navarros and communications among the Navarros and other Benworth employees.
3. **Family-complete productions.** Yesterday, April 14, Defendants explained that for the initial Vol005 production, certain document families were separated and that the April 9 re-production of Vol005 identified and produced all family relationships. Please confirm whether Defendants' other productions have been family-complete, or also require re-production.

We look forward to receiving your first Navarro Entity production today.

Best,
Mitchell

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From: Rasheed Nader <rnader@kttlaw.com>

Sent: Friday, April 11, 2025 3:17 PM

To: Kohles, Mitchell <mkohles@cgsh.com>; Michael Lorigas <mlorigas@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Subject: Re: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

Mitchell,

We are in agreement with the below and will file the motion shortly. Thank you.

Rasheed K. Nader

From: Kohles, Mitchell <mkohles@cgsh.com>

Sent: Friday, April 11, 2025 10:45:11 AM

To: Michael Lorigas <mlorigas@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

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Mike,

We are surprised with this request given that the Court's Order was entered on March 24 and your representation that the issue was discovered on April 8. Because April 11 is a Court-ordered deadline, we do not believe the parties have the authority to extend the deadline absent Court approval. If Defendants cannot meet today's deadline, we recommend that Defendants seek leave from the Court for an extension of the deadline for compliance with the order. The Reserve Bank will not oppose that request provided that Defendants begin production of documents on a rolling basis (with documents to be provided as they are ready) by Tuesday, April 15, and complete productions by Monday, April 21.

Best,
Mitchell

Mitchell Kohles

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From: Michael Lorigas <mlorigas@kttlaw.com>

Sent: Friday, April 11, 2025 1:06 AM

To: Kohles, Mitchell <mkohles@cgsh.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; 'Roberto Camara Fuertes' <rcamara@ferraiuoli.com>; 'Jaime Torrens Dávila' <jtorrens@ferraiuoli.com>; 'Monica Ramos Benitez' <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; 'Ricardo Casellas' <rcasellas@cabprlaw.com>

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Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

Mitchell,

We are going to need a three-week extension, up to and including May 2, to comply with the Court's order regarding the production of documents relating to the Navarro Entities [D.E. 223]. I intended on raising this with you early yesterday but got pulled into a personal emergency.

Until Tuesday, I was under the impression that the universe of documents subject to review was only approximately 3,500 documents and the review of those documents was underway. However, I applied the relevant "Navarro Entities" search term ("Benfam" – all other Navarro Entities would be captured by prior search terms (e.g., "BWC" and "Benworth")) to the wrong search set in Relativity.

Once "Benfam" was applied to the correct search set in Relativity, the hit report revealed that there are (1) 20,851 documents with hits; (2) 26,497 documents with hits, including

group; and (3) 10,001 documents with unique hits. This is a significantly larger universe of documents to review, which is why we require the extension.

Please let us know if you consent to the extension. I'll be in a deposition all day today, but will make time for a call on a break if you'd like to discuss further.

Best,
Mike



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From: Michael Lorigas

Sent: Wednesday, April 9, 2025 4:47 PM

To: 'Kohles, Mitchell' <mkohles@cgsh.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mrmos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

Cc: antonio.roig@oneillborges.com; ubaldo.fernandez@oneillborges.com; anibal.roman@oneillborges.com; Kessler, Thomas <tkessler@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>

Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

Mitchell,

Our client was still evaluating the options regarding Quickbooks. Defendants' position remains that they have the right to choose which option is selected, and need only meet and confer with the Reserve Bank on the method of compliance for the option selected by Defendants. Defendants choose to go with the second option. As far as how that would work logistically, we propose that the parties schedule in advance dates and times when your representative will access the Quickbooks database. The access will be supervised by a non-attorney representative of Defendants. The access session(s) can be conducted via Zoom.

We will get back to you on the mobile data.

Best,
Mike



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From: Kohles, Mitchell <mkohles@cgsh.com>

Sent: Tuesday, April 8, 2025 5:51 PM

To: Michael Lorigas <mlorigas@kttlaw.com>; Lenox, Brad <blenox@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

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Mike,

We write to follow up on your April 4 email and our March 31 meet-and-confer.

On April 4, you represented that Defendants would share their final position about production of the QuickBooks data by April 7 (yesterday). Please share your position.

In light of Defendants' April 4 representation regarding the Navarros' use of mobile data:

1. Please clarify whether the representation applies to all mobile devices used by the Navarros during the relevant period (as identified in the Reserve Bank's requests), including any personal devices.
2. Please confirm that Defendants are reviewing and will produce responsive mobile data from the Navarros' phones, including communications between the Navarros and communications among the Navarros and other Benworth employees.

Best,
Mitchell

Mitchell Kohles

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From: Michael Lorigas <mlorigas@kttlaw.com>

Sent: Friday, April 4, 2025 3:44 PM

To: Lenox, Brad <blenox@cgsh.com>; Kohles, Mitchell <mkohles@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

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Brad/all,

Attached are Defendants' redlines to the joint status report and the joint motion for modification. If you accept all these redlines without making any additional revisions, then you have our consent to affix our signatures and file. But if you make additional changes, we will need to review prior to filing.

Also, with respect to point 2(a) in my email sent at 2:12pm, we are also asserting the accountant-client privilege pursuant to 32A L.P.R.A. Ap. VI, Capítulo V, Regla 504.

MICHAEL R. LORIGAS, ESQ.



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From: Lenox, Brad <blenox@cgsh.com>

Sent: Friday, April 4, 2025 3:11 PM

To: Michael Lorigas <mlorigas@kttlaw.com>; Kohles, Mitchell <mkohles@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica

Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>
Cc: antonio.roig@oneillborges.com; ubaldo.fernandez@oneillborges.com; anibal.roman@oneillborges.com; Kessler, Thomas <tkessler@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>
Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

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Thanks Mike, please let us know if your timing expectations have changed.

Best,

Brad

Brad Lenox

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From: Michael Lorigas <mlorigas@kttlaw.com>

Sent: Friday, April 4, 2025 2:12 PM

To: Kohles, Mitchell <mkohles@cgsh.com>; Nallira, Kaleinani <knallira@cgsh.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

Cc: antonio.roig@oneillborges.com; ubaldo.fernandez@oneillborges.com; anibal.roman@oneillborges.com; Kessler, Thomas <tkessler@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>

Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

Mitchell,

Thanks for the update regarding your review of the documents pursuant to the proposed search term modifications you sent on March 11. On the term sheets, once we have had the opportunity to review them we will let you know whether we will continue to seek further discovery regarding RFPs 35-36.

Below is our response to the other matters memorialized in your April 1st email that are pending a response from Defendants:

1. **Privilege Log.** Attached is Defendants' updated privilege log that I referenced in my earlier email addressed to Emily. The password for the updated log is the

same as for the original log.

2. **Reserve Bank Third Party Subpoenas.**

- a. Applicable law:
 - i. Section 90.5055, Florida Statutes
 - ii. P.R. Laws Ann. tit. 32A App. IV, Rule 25-A.
- b. Scope of privilege:
 - i. Communications between any of the Defendants, or their representatives, and a CPA seeking accounting, financial, or tax advice
 - ii. Communications amongst the CPAs regarding accounting issues in connection with the accounting services they provided Defendants
 - iii. Documents prepared by Defendants and/or the CPAs that reflect confidential communications involving the CPAs. Examples include but are not limited to, draft financial statements/tax returns containing comments from the CPAs, notes of meetings between Defendants and the CPAs, and draft documents relevant to the accounting services provided by the CPAs.
- c. Relevant Third-Party Subpoena Recipients:
 - i. Forvis Mazars, LLP
 - ii. H&Co, LLP
 - iii. Kaufman Rossin & Co.
 - iv. Sotolongo & Associates, P.A.

3. **Defendant Mobile Data.** Defendants represent that neither Mrs. Navarro or Mr. Navarro used their mobile devices to communicate with third party professionals related to the issues in the Reserve Bank's complaint or any of its requests for production.

4. **Reserve Bank ESI Search Strings.** One correction to your summary is that I stated that our sampling review consisted of 250 random documents from each search string.

- a. For row 2 with respect to the "SBA PPP loan Notes," while I agreed that those notes were responsive to one or two requests, I also advised that all SBA PPP loan Notes were included in the hard drive that Defendants produced.
- b. For row 3, upon review of the February 12th hit report, we agree to review and produce responsive, non-privileged documents.
- c. Regarding the production of documents responsive to the search strings in rows 3-5, we will endeavor to produce all those documents by April 11. However, given the court's order requiring the production of Navarro Entities-related documents by April 11, we are prioritizing review of those documents to comply with the court order, so the production of the documents responsive to the search strings in rows 3-5 will be on a rolling basis, and the final production of those documents will be made by the end of this month.

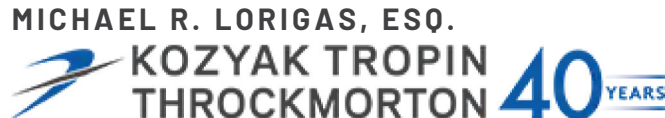
5. **Quickbooks Data.** We are still discussing this with the client and obtaining additional information related to any difficulties with the supervised access option. I will give you our final position on Monday, April 7. To avoid any doubt, the export option remains on the table.

6. **Defendant Search Strings.** With respect to String 5a, we are still evaluating

these proposals (other than the removal of “BCP,” which we are fine with) and will revert next week.

I have a call now that should not take longer than 15 minutes. Once that call is completed, I will send Defendants’ redlines to the joint status report and the joint motion for modification.

Best,
Mike



2525 Ponce de Leon Boulevard, Floor 9, Miami, Florida 33134

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Firm Bio | **Personal LinkedIn** | **KTTLaw LinkedIn**

From: Kohles, Mitchell <mkohles@cgsh.com>

Sent: Thursday, April 3, 2025 3:29 PM

To: Nallira, Kaleinani <knallira@cgsh.com>; Michael Lorigas <mlorigas@kttlaw.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

Cc: antonio.roig@oneillborges.com; ubaldo.fernandez@oneillborges.com; anibal.roman@oneillborges.com; Kessler, Thomas <tkessler@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>

Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

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Mike,

In response to questions raised at the M&C, the Reserve Bank agrees to produce the term sheets we discussed on Monday subject to Defendants’ pending determination of the need for further discovery regarding its RFPs 35-36. We anticipate producing these documents next week. In addition, our review of documents pursuant to the proposed search term modifications we sent on March 11 is substantially underway. We will revert when we have an expected date to begin production from this review.

Best,
Mitchell

Mitchell Kohles

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From: Nallira, Kaleinani <knallira@cgsh.com>

Sent: Thursday, April 3, 2025 3:01 PM

To: Michael Lorigas <mlorigas@kttlaw.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

Cc: antonio.roig@oneillborges.com; ubaldo.fernandez@oneillborges.com; anibal.roman@oneillborges.com; Kessler, Thomas <tkessler@cgsh.com>; Kohles, Mitchell <mkohles@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>

Subject: RE: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

Counsel,

Please see attached our draft joint status report, which is due to the Court tomorrow, Friday, April 4. Please note that we have bracketed certain items to the extent there are updates prior to filing. The draft remains subject to final client review and comment in all respects.

Additionally, as previewed on Monday at our meet and confer, also attached is a draft of the *Second Joint Motion for Modification of the Case Management Order*.

We would like to file both the joint status report and the joint motion for modification simultaneously tomorrow, April 4. As such, please let us know if Defendants have any comments to either draft, and if not, whether we have your authority to /s/.

Best,
Nani

Kaleinani Nallira | Law Clerk

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From: Kohles, Mitchell <mkohles@cgsh.com>

Sent: Tuesday, April 1, 2025 3:10 PM

To: Michael Lorigas <mlorigas@kttlaw.com>; Rasheed Nader <rnader@kttlaw.com>; Roberto

Camara Fuertes <rcamara@ferraiuoli.com>; Jaime Torrens Dávila <jtorrens@ferraiuoli.com>; Monica Ramos Benitez <mramos@ferraiuoli.com>; Carla S. Loubriel Carrión <CLoubriel@cabprlaw.com>; Ricardo Casellas <rcasellas@cabprlaw.com>

Cc: antonio.roig@oneillborges.com; ubaldo.fernandez@oneillborges.com; anibal.roman@oneillborges.com; Kessler, Thomas <tessler@cgsh.com>; Team-FRB-Benworth-Associates-CGSHOnly <team-frb-benworth-associates-cgshonly@cgsh.com>

Subject: FRB/Benworth (3:23-cv-01034-GMM) - March 31 M&C

All,

Please see below a summary of our meet and confer discussion yesterday, March 31, 2025. We will follow up separately on the individual issues agreed by the Reserve Bank.

Privilege Logs

- The parties confirmed receipt of their respective privilege logs and their agreement to assert objections within the periods previously agreed on February 13, as subsequently amended by agreement on February 28, i.e., within 30 days of receiving the relevant privilege log.

Reserve Bank Third-Party Subpoenas

- The Reserve Bank asked Defendants the basis for their accountant-client privilege assertion in response to the Kaufman Rosin subpoena. Defendants explained it is the same basis as provided in their privilege log, that Defendants' discussions with its CPAs and accountants are generally privileged, and that the accountant-client privilege assertion is based on Puerto Rico and Florida Law.
- The Reserve Bank proposed a written assertion be provided by Defendants regarding the specific assertions of accountant-client privilege to efficiently resolve these issues, including the applicable law, asserted scope of the privilege, and the relevant third-party subpoena recipients subject to Defendants' assertion. Defendants represented that they would respond to this request by April 4.

Defendant Promissory Notes

- Defendants represented that all promissory notes between the Navarros and Benworth affiliates have been produced, but that additional communications to which the notes were attached have not all been produced and would be produced in an April 11 production.

Defendant Mobile Data

- In response to the Reserve Bank's February 13 proposed representation regarding the Navarros' use of mobile data, Defendants represented that neither Mrs. Navarro or Mr. Navarro used their mobile devices to communicate with third party professionals related to the issues in the Reserve Bank's complaint or any of its

requests for production. Defendants agreed to provide this representation in writing by April 4.

Reserve Bank ESI Search Strings

- Regarding the ESI sampling reported by Defendants on March 14 (copied below), the Reserve Bank asked Defendants to explain how the sampling was conducted, including the responsiveness rate for each row. Defendants said they reviewed a random sample of about 100 documents for each row but did not record a responsiveness rate.
 - For rows 1 and 2, Defendants first asserted no responsive documents were identified. Defendants explained that other documents, including from the accounting Dropbox and the Quickbooks data, would shed light on Benworth's mortgage line of business. The Reserve Bank noted that several of its requests seek financial information about Benworth's operations broadly and asked whether Defendants were maintaining that no responsive documents were identified in the sampling or asserting a proportionality argument. Defendants responded that emails on the mortgage business such as those identified by this string were not responsive, proportional, or relevant to the case. The Reserve Bank asked about the "SBA PPP loan Notes" mentioned in row two and whether they were responsive. Defendants represented that these are notes from PPP borrowers to Benworth FL and were responsive to one or two of the Reserve Bank's requests.
 - For row 3, Defendants represented that the sampling identified internal communications about PPP forgiveness and that it was not proportional to review and produce these documents. The Reserve Bank asked which documents were referenced as being previously produced in response to Request 21. Defendants described several of these documents. The Reserve Bank asked if Defendants were maintaining a burden or relevance objection given that the total hit counts for row 3 based on the February 12 hit report were lower than those for rows 4 and 5, which Defendants had previously agreed to review after sampling. Defendants agreed to confirm these hit counts and reconsider their burden their position on whether or not to review these documents by April 4.
 - For rows 4 and 5, Defendants represented that documents agreed to be reviewed would be reviewed and if responsive would be produced as part of their April 11 production.

Latest Search Terms Proposed by Plaintiff

Reserve Bank 2/11 Proposal

Defendants' Response After Sampling Review

(wire OR transf*) w/10 ("Benworth PR" OR "BCP PR" OR "BWC PR" OR "PR" OR "Benworth Capital Partners" OR "Benworth FL" OR "BCP" OR "BWC" OR "Florida" OR

“Bernardo” OR “Claudia”)

Please review and produce documents returned by the searches highlighted in the 1/23 disaggregated report, which searches collectively return 5,106 unique hits.

Will not review. The sampling included only documents concerning PPP loan disbursement issues and Benworth FL’s mortgage line of business.

liabilit* w/10 (“BWC” OR “Navarro” OR “Bernardo” OR “Bernie” OR “Claudia” OR “trust” OR “SBA” OR guarant*)

Please review and produce documents returned by the searches highlighted in the 1/23 disaggregated report, which searches collectively return 4,941 unique hits.

Will not review. The sampling included only documents concerning Benworth FL’s mortgage line of business and SBA PPP loan Notes.

(Benworth w/20 “Puerto Rico”) w/20 (forgiv*)

Please run the string “(Benworth w/20 “Puerto Rico”) w/20 (forgiv*)”, which does not appear in the 1/31 report.

Will not review. The sampling was mostly internal communications about PPP forgiveness process or communications with borrowers about forgiveness, thus responsive to only Request 21. However, considering the documents we’ve already produced, further review of documents hitting on these terms is not proportional to the case.

(1) SBA w/10 (GP OR eligib* OR noncompl* OR reject*)

Please review and produce documents returned by the searches highlighted in the 1/31 disaggregated report, which searches collectively return 1,645 unique hits.

Will review and produce non-privileged, responsive documents with goal of including them in the 3/19 production.

Tax w/7 (“PR” OR “Puerto Rico” OR “BWC” OR “Navarro” OR “Bernardo” OR “Bernie” OR “Claudia”)

Please review and produce documents returned by the searches highlighted in the 1/31 disaggregated report, which searches collectively return 3,750 unique hits.

Will review and produce non-privileged, responsive documents but they will not be included in the 3/19 production.

Quickbooks Data

- In response to the Court’s order requiring Defendants to produce Quickbooks data (ECF No. 224), both the Reserve Bank and Defendants agreed that the option to export all data would be far less burdensome on both parties than the option for supervised access. Defendants represented that they would discuss the export option with their client and report back to the Reserve Bank by April 4.
- Regarding the supervised access option, Defendants asked the Reserve Bank what it would require in terms of reasonable access. The Reserve Bank explained that reasonable access would depend on numerous factors, including without limitation the amount and type of data, whether the access was virtual or on-site,

and information learned through a review of the Quickbooks data itself. The Reserve Bank noted that the inquiries required to assess what access is reasonable illustrated the burden associated with this option.

- The parties also discussed a disagreement in interpreting the Court's order. Defendants maintain Defendants may select the option of their choosing. The Reserve Bank maintains that the order requires the parties to meet and confer about the preferred mode of production.

Navarro Entities

- Defendants confirmed that they would comply with the Court's order requiring production of Navarro Entities-related documents by April 11.

Schedule Extension and Case Management Order Modification.

- Defendants agreed to extend the deadlines of the Case Management Order as proposed by the Reserve Bank on March 25 and will review the Reserve Bank's proposed joint motion.

Defendant Search Strings

- Defendants asked about the Reserve Bank's proposed modifications sent on March 11 to the search parameters requested by Defendants on February 11.
 - For Search String 3a, the Reserve Bank explained that term "toby" returned several false hits due to multiple individuals named Toby working at the Federal Reserve System. Defendants agreed this explanation was reasonable.
 - For Search String 5a, the Reserve Bank explained that the term "BCP" did not appear a common acronym used for Benworth and also generated many false hits (e.g., for business continuity plans). Defendants agreed this explanation was reasonable. The Reserve Bank also represented additional terms excluded from its counterproposals generated documents that were commonly shared between the parties in the ordinary course of business (such as reduction reports), such that review and production of these documents was burdensome and not proportional to Defendants' need. Defendants agreed to consider these proposals.
 - For Search String 6, the Reserve Bank proposed to provide term sheets signed by the Reserve Bank regarding PPP servicing arrangements as an alternative to reviewing and producing documents as requested by Defendants, which would be unduly burdensome and not proportional to Defendants' need. Defendants asked if the Reserve Bank would be willing to produce the term sheets pending Defendants determination of the need for further discovery. The Reserve Bank agreed to consider and confirm its response in writing.
- The Reserve Bank agreed to follow up in writing with an estimate of its current progress in reviewing documents based on its proposed modifications.

Mitchell Kohles

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